

REMARKS

Claims 1-21 are pending in this application after this Amendment. Claims 6-15, 17-19, and 21 are withdrawn from consideration. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicant has amended claims 1, 16, and 20 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the proprietary of the Examiner's rejections, but merely to timely advance prosecution of the present application. This Amendment is made to clarify the subject matter in claims 1, 16, and 20 without introducing any new features.

In the outstanding Official Action, the Examiner objected to claim 10. The Examiner further rejected claims 1-3, 16, 20, and 22-24 under 35 U.S.C. § 102(e) as being anticipated by *Onuki* (USP 6,377,305). Applicant respectfully traverses this rejection.

Applicant wishes to thank the Examiner for indicating claims 4 and 5 include allowable subject matter.

Claim Objections

The Examiner object to claim 20 based on minor informalities. By this Amendment, Applicant has amended claim 20 to correct the antecedent error. Based on this Amendment, it is respectfully requested that the outstanding objection be withdrawn.

Claim Rejections 35 U.S.C. § 102

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Onuki* discloses an image processing apparatus including an image data unit (901; Figure 36) for capturing a first image (image IM1 captured by image sensor 111) and a second image (a parallactic image comprising IM2 + IM3 captured by image sensor 924) of the subject, the second image being captured in a parallactic manner (Fig. 36; col. 34, lines 24-49) and an

extractor (microcomputer 931) for extracting image information relating to conditions (i.e., brightness conditions; col. 36, lines 1-9) of the image only from the first image and depth information (i.e., distance information) indicating a distance between a point to another point on the subject only from the second image (col. 34, line 32 – col. 35, line 10, wherein a distance between a point at IM2 to another point at IM3 of the parallactic image is determined). Applicant respectfully disagrees that these teachings are sufficient to anticipate the image data unit and the extractor of the present invention.

The disclosure of *Onuki* is directed to an image sensing apparatus. At col. 34, lines 32 – 43 *Onuki* discloses as follows:

A rangefinding module 921 has two light-receiving lenses 922 of the same power spaced apart by a predetermined baselength BL for forming images IM2, IM3 of the object OBJ whose distance is to be measured, an infrared-blocking filter 923 for blocking infrared light and passing only visible light of the light flux that has passed through the light-receiving lens 922, and a subordinate image-sensing device 924. The rangefinding optical system, which includes the light-receiving lenses 922 and the infrared-blocking filter 923, forms a second image IM2 of the object OBJ and a third image IM3 of the object OBJ on the subordinate image-sensing device 924, described later.

As can be seen from the citation above, as shown in Fig. 36, *Onuki*, at most, discloses measuring a distance to only one point of the subject by use of a plurality of lenses based on a parallactic image.

In contrast, the present invention as set forth in claim 1 recites, *inter alia*, an image processing apparatus for processing an image obtained by photographing a subject comprising an image data unit for capturing a first image and a second image of the subject, the second image being captured in a parallactic manner, wherein the image data unit includes a parallactic image data input unit, wherein the parallactic image data input unit inputs a parallactic image, which is photographed by different viewpoints; and an extractor for extracting image information relating to conditions of the image only from the first image and depth information indicating a distance between a point to another point on the subject only from the second image. *Onuki* fails to teach

or suggest extracting image information relating to conditions of the image only from the first image and depth information indicating a distance between a point to another point on the subject only from the second image.

As disclosed in Applicant's specification, this feature accomplishes an advantage such that even when a plurality of people are photographed in an image, and their faces are close to each other, the faces of the different people can be distinctively extracted. As *Onuki* provides for measuring a distance to only one point of the subject, *Onuki* cannot obtain depth information as recited in the claim and thus cannot achieve the advantage of the present invention.

As *Onuki* fails to teach or suggest all the claimed elements, it is respectfully submitted that *Onuki* fails to anticipate the present invention of claim 1. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 22 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 16 and 20 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are not anticipated by *Onuki*.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

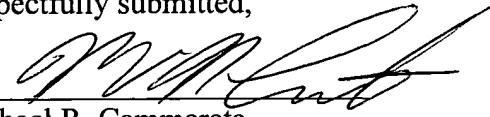
Application No. 09/585,553
Amendment dated June 19, 2006
Reply to Office Action of March 17, 2006

Docket No.: 3562-0102P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: June 19, 2006

Respectfully submitted,

By 

Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant